

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | |
|------------------------|---------------------------|
| EDGAR DEJESUS ALVAREZ, | : |
| Petitioner | : |
| v. | : Civil Action No. 06-71J |
| JOHN YOST, WARDEN, | : |
| F.C.I. LORETTO, | : |
| Respondent | : |

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for a Report and Recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on August 8, 2006, docket no. 4, recommending that the petition be summarily denied without service.

The petitioner was notified that pursuant to 28 U.S.C. § 636(b)(1), he had ten days to serve and file written objections to the Report and Recommendation. Petitioner filed timely objections, docket no. 5, which I have reviewed de novo but reject.

After de novo review of the record of this matter, the Report and Recommendation, and the objections thereto, the following order is entered:

AND NOW, this 28th day of August, 2006, it is

ORDERED that the petitioner's petition is denied. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style with some capitalization.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to:

Edgar D. Alvarez #59509-079
F.C.I. Loretto
P.O. Box 1000
Loretto, PA 15940